

J1064 U.S. PTO
12/28/01

01-03-02 A

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 11321-P012USD3

First Inventor Richard E. Smalley

Title METHOD FOR FORMING AN ARRAY OF
SINGLE-WALL . . .

Express Mail Label No. EL 823 269 716 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages 98]
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets 21]
5. Oath or Declaration [Total Pages]
 a. Newly executed (original or copy)
 b. Copy from a prior application (37 CFR 1.63 (d))
 (for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of (when there is an assignee) Attorney
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: Prelim. Exam. Report:
Two Substitute POAs:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: 09,380,545

Prior application information: Examiner: S. Hendrickson Group Art Unit: 1754

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or Correspondence address below

Name	Ross Spencer Garsson			
Address	100 Congress Avenue			
	Suite 800			
City	Austin	State	TX	Zip Code
Country	USA	Telephone	512-370-2870	Fax

Name (Print/Type)	Ross Spencer Garsson	Registration No. (Attorney/Agent)	38,150
Signature			Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)

913.00

Complete if Known

Application Number	Unassigned
Filing Date	December 28, 2001
First Named Inventor	Richard E. Smalley
Examiner Name	Unassigned
Group Art Unit	Unassigned
Attorney Docket No.	11321-P012USD3

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **23-2426**
Deposit Account Name **Winstead Sechrest & Minick**

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
 Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	740	201	370 Utility filing fee	370.00
106	330	206	165 Design filing fee	0.00
107	510	207	255 Plant filing fee	0.00
108	740	208	370 Reissue filing fee	0.00
114	160	214	80 Provisional filing fee	0.00

SUBTOTAL (1) (\$)

370.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
29	-20** = 9	X 9.00	81.00
Independent Claims	14 - 3** = 11	X 42.00	462.00
Multiple Dependent		280.00	0.00

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee Description
103	18	203	9 Claims in excess of 20
102	84	202	42 Independent claims in excess of 3.
104	280	204	140 Multiple dependent claim, if not paid
109	84	209	42 ** Reissue independent claims over original patent
110	18	210	9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

543.00

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205 Surcharge - late filing fee or oath	0.00
127	50	227 Surcharge - late provisional filing fee or cover sheet	0.00
139	130	139 Non-English specification	0.00
147	2,520	147 For filing a request for ex parte reexamination	0.00
112	920*	112 Requesting publication of SIR prior to Examiner action	0.00
113	1,840*	113 Requesting publication of SIR after Examiner action	0.00
115	110	215 Extension for reply within first month	0.00
116	400	216 Extension for reply within second month	0.00
117	920	217 Extension for reply within third month	0.00
118	1,440	218 Extension for reply within fourth month	0.00
128	1,960	228 Extension for reply within fifth month	0.00
119	320	219 Notice of Appeal	0.00
120	320	220 Filing a brief in support of an appeal	0.00
121	280	221 Request for oral hearing	0.00
138	1,510	138 Petition to institute a public use proceeding	0.00
140	110	240 Petition to revive - unavoidable	0.00
141	1,280	241 Petition to revive - unintentional	0.00
142	1,280	242 Utility issue fee (or reissue)	0.00
143	460	243 Design issue fee	0.00
144	620	244 Plant issue fee	0.00
122	130	122 Petitions to the Commissioner	0.00
123	50	123 Processing fee under 37 CFR 1.17(q)	0.00
126	180	126 Submission of Information Disclosure Stmt	0.00
581	40	581 Recording each patent assignment per property (times number of properties)	0.00
146	740	246 Filing a submission after final rejection (37 CFR § 1.129(a))	0.00
149	740	249 For each additional invention to be examined (37 CFR § 1.129(b))	0.00
179	740	279 Request for Continued Examination (RCE)	0.00
169	900	169 Request for expedited examination of a design application	0.00
Other fee (specify) N/A			0.00

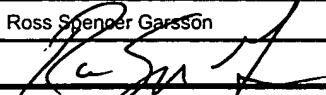
*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

0.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Ross Spencer Garson	Registration No. (Attorney/Agent)	38,150	Telephone	512-370-2870
Signature				Date	12/28/2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#2

In re Application of:
Richard E. Smalley et al.

For: CARBON FIBERS FORMED FROM
SINGLE-WALL CARBON
NANOTUBES

Atty Dkt: 11321-P012USD3

§	Serial No:	To Be Assigned (division of application Serial No. 09/380,545)
§	Filed:	HEREWITH
§	Group Art Unit:	1754 (anticipated)
§	Prior Examiner:	Stuart Henderson 703.308.2539

U.S. Patent and Trademark Office
BOX: PATENT APPLICATION
Washington, D.C. 20231

"EXPRESS MAIL" MAILING LABEL		
Number: <u>EL 823 269 716 US</u>		
Pursuant to 37 C.F.R. § 1.10, I hereby certify that I am personally depositing this paper or fee with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed, and (b) addressed to the U.S. Patent and Trademark Office, Box: Patent Application, Washington, D.C. 20231.		
<u>December 28, 2001</u>		_____ Signature <u>Gracie Segovia</u> Printed Name

REQUEST FOR FILING DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/380,545, filed on September 3, 1999, entitled "CARBON FIBERS FORMED FROM SINGLE-WALL CARBON NANOTUBES," which is the 35 U.S.C. § 371 national application of International Application Number PCT/US98/04513 filed on March 6, 1998, which designated the United States, claiming priority to: provisional U.S. patent application Serial Number 60/067,325, filed on December 5, 1997; provisional U.S. patent application Serial Number 60/064,531, filed on November 5, 1997; provisional U.S. patent application Serial Number 60/063,675, filed on October 29, 1997; provisional U.S. patent application Serial Number 60/055,037, filed on August 8, 1997; provisional U.S. patent application Serial Number 60/047,854, filed on May 29, 1997; and provisional U.S. patent application Serial Number 60/040,152, filed on March 7, 1997. Each of the foregoing

IN RE: APPLICATION OF SMALLEY ET AL.
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

applications is commonly assigned to the assignee of the present invention and is hereby incorporated herein by reference in its entirety.

1. Enclosed is a copy of the co-pending prior application Serial No. 09/380,545, filed on September 3, 1999, entitled "CARBON FIBERS FORMED FROM SINGLE-WALL CARBON NANOTUBES," which is the 35 U.S.C. § 371 national application of International Application Number PCT/US98/04513 filed on March 6, 1998, which designated the United States, claiming priority to: provisional U.S. patent application Serial Number 60/067,325, filed on December 5, 1997; provisional U.S. patent application Serial Number 60/064,531, filed on November 5, 1997; provisional U.S. patent application Serial Number 60/063,675, filed on October 29, 1997; provisional U.S. patent application Serial Number 60/055,037, filed on August 8, 1997; provisional U.S. patent application Serial Number 60/047,854, filed on May 29, 1997; and provisional U.S. patent application Serial Number 60/040,152, filed on March 7, 1997. The undersigned hereby incorporates co-pending prior patent application Serial No. 09/380,545, International Application Number PCT/US98/04513, provisional application Serial No. 60/067,325, provisional application Serial No. 60/064,531, provisional application Serial No. 60/063,675, provisional application Serial No. 60/055,037, provisional application Serial No. 60/047,854, and provisional application Serial No. 60/040,152, herein by reference and verifies that the enclosed papers are a copy of the co-pending prior patent application Serial No. 09/380,545 as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

IN RE: APPLICATION OF SMALLEY ET AL.
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

- (a) The inventorship is the same as co-pending prior patent application Serial No. 09/380,545.
- (b) Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).
- (c) Priority of foreign patent application number , filed in
is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:
 is enclosed.
 has been filed in the prior Application Serial No.

2. The Assistant Commissioner is requested to grant Applicants a filing date in accordance with Rule 1.53, and supply Applicants with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).
3. Enclosed is a check in the amount of \$913.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

CLAIMS FOLLOWING ENTRY OF PRELIMINARY AMENDMENT

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$370.00
Total Claims	29 - 20 =	9 ×	\$9 =	\$81.00
Independent Claims	14 - 3 =	11 ×	\$42 =	\$462.00
Multiple Dependent Claim(s) -----				\$00.00
TOTAL FILING FEES:				\$913.00

IN RE: APPLICATION OF SMALLEY ET AL.
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

4. Applicant is entitled to Small Entity Status for this application.
- (a) A small entity statement is enclosed.
- (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
5. If the check is missing or insufficient, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required for any reason relating to this application, or credit any overpayment, to Winstead Sechrest & Minick Deposit Account No. 23-2426 referencing 11321-P012USD3.
6. Enclosed is a copy of the current Power of Attorney in the prior application.
7. Address all future communications to:
Ross Spencer Garsson
WINSTEAD SECHREST & MINICK P.C.
100 Congress Avenue
Suite 800
Austin, Texas 78701
(512) 370-2870 (voice)
(512) 370-2850 (fax)
8. The prior application is presently assigned to William Marsh Rice University.
9. Enclosed is a Preliminary Amendment. Any additional fees incurred because of the Preliminary Amendment are included in the check at No. 3 above and said fee has been calculated after calculation of claims and after amendment of claims by the Preliminary Amendment.
10. Cancel in this application claims 1-30 and 34-162 of the prior application before calculating the filing fee.

IN RE: APPLICATION OF SMALLEY ET AL.
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

11. This application is a division of co-pending prior application Serial No. 09/380,545, filed on September 3, 1999, entitled "CARBON FIBERS FORMED FROM SINGLE-WALL CARBON NANOTUBES," which is the 35 U.S.C. § 371 national application of International Application Number PCT/US98/04513 filed on March 6, 1998, which designated the United States, claiming priority to: provisional U.S. patent application Serial Number 60/067,325, filed on December 5, 1997; provisional U.S. patent application Serial Number 60/064,531, filed on November 5, 1997; provisional U.S. patent application Serial Number 60/063,675, filed on October 29, 1997; provisional U.S. patent application Serial Number 60/055,037, filed on August 8, 1997; provisional U.S. patent application Serial Number 60/047,854, filed on May 29, 1997; and provisional U.S. patent application Serial Number 60/040,152, filed on March 7, 1997. Each of the foregoing applications is commonly assigned to the assignee of the present invention and is hereby incorporated herein by reference in its entirety.

This application discloses subject matter related to the subject matter of U.S. patent application Serial Number 10/000,746, filed on November 30, 2001, in the name of Daniel T. Colbert et al., entitled "MACROSCOPICALLY MANIPULABLE NANOSCALE DEVICES MADE FROM NANOTUBE ASSEMBLIES," which application is commonly assigned to the assignee of the present invention.

12. Enclosed are formal drawings.
13. An Information Disclosure Statement (IDS) is enclosed.
 (a) PTO/SB/08A.
 (b) Copies of IDS citations.
14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. , filed , for use in this

IN RE: APPLICATION OF SMALLEY ET AL.
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

application. Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. filed . Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.

15. Other: ____.
16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



Ross Spencer Garsson
Reg. No. 38,150
Winstead Sechrest & Minick P.C.
100 Congress Avenue
Suite 800
Austin, Texas 78701
(512) 370-2870 (voice)
(512) 370-2850 (fax)

ATTORNEYS FOR ASSIGNEE

AUSTIN_1\180585\1
12/28/2001 - 11321-P012USD3

*** I TRANSMISSION REPORT ***

JUN-30-00 15:27 ID: 7136502400

WINSTEAD SECHREST MINICK

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TRANSMISSION REPORT

WINSTEAD SECHREST & MINICK
A Professional Corporation | Attorneys & Counselors

WSM

TELECOMMUNICATION TRANSMITTAL

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Patent and Trademark Office		703-308-7048

FROM: Robert C. Shaddox

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DATE: June 30, 2000

TIME IN: _____

NUMBER OF PAGES: 3 INCLUDING COVER SHEET. PLEASE CALL THE FAX OPERATOR AT 713/650-2464 AS SOON AS POSSIBLE IF YOU DO NOT RECEIVE THE TOTAL NUMBER OF PAGES OR IF TRANSMISSION IS NOT LEGIBLE.

ATTORNEY #: 1091 CLIENT-MATTER #: 11321-G99999

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